

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CARL J. TEIXEIRA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

2:11-CV-2022 JCM (RJJ)

ORDER

Presently before the court is defendants Eckmeyer, McPherson, Minchak, Sultan, Toliver and the United States' motion to dismiss. (Doc. #27). The motion was filed on March 11, 2012. Defendant Scott has filed a joinder. (Doc. #28).

Rather than file a response to the motion to dismiss, plaintiff filed an amended complaint on March 26, 2012. Federal Rule of Civil Procedure 15(a)(1)(B) allows a party to amend "its pleading once as a matter of course . . . within 21 days after service of a motion under Rule 12(b). . . ."

Plaintiff has amended his pleadings appropriately pursuant to Rule 15. Accordingly, the pending motion to dismiss is moot.

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1 Therefore,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
3 dismiss (doc. #27) be, and the same hereby is, DENIED as moot.

4 DATED May 2, 2012.

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7 UNITED STATES DISTRICT JUDGE
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